

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KAINE WILLIAM HANSON,

Defendant.

CR 10-84-GF-BMM-01

**ORDER ADOPTING IN PART AND
MODIFYING IN PART MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATIONS TO REVOKE
DEFENDANT'S SUPERVISED RELEASE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on March 21, 2016. (Doc. 64.) Hanson timely filed objections to the Magistrate's Findings and Recommendations. (Doc. 65.) The Court reviews de novo Findings and Recommendations to which objections are made. 28 U.S.C. § 636(b)(1). The Court held a hearing on April 20, 2016, to discuss Hanson's objections. (Doc. 64.) The Court modifies Hanson's revocation sentence as outlined below.

Judge Johnston conducted a revocation hearing on March 17, 2016. (Doc. 63.) The United States Probation Office accused Hanson of violating his conditions of supervised release by: failing to report to his probation officer within 72 hours of his release from custody; using methamphetamine, marijuana, and Klonopin; failing to notify his probation officer at least ten days prior to a change in residence; using alcohol; and committing a new crime. (Doc. 63.) Hanson denied the violations. (*Id.*) Judge Johnston conducted an evidentiary hearing and found the evidence sufficient to establish that Hanson had violated the conditions of his supervised release on all violations but the commission of a new crime. (*Id.*)

Judge Johnston recommends this Court revoke Hanson's supervised release. (Doc. 64.) Judge Johnston recommends that the Court sentence Hanson to 6 months imprisonment with 10 months of supervised release to follow. (*Id.*)

Hanson's criminal history category is V, the current violation is a Grade C, and the underlying offense is a Class C felony. The statutory range is a maximum of 24 months. The statutory and guideline term of supervised release is 16 months, less any custody time imposed. The United States Sentencing Guidelines call for seven to 13 months in custody.

This Court held a hearing to discuss Hanson's Objections to Judge Johnston's recommendation. (Doc. 67.) Hanson stated that he would serve an additional ten months in custody if this Court would terminate his period of

supervision. (Doc. 65.) After argument from the parties and hearing from Hanson, this Court modifies Hanson's sentence as follows:

Hanson's current violation is serious in nature. A sentence of 4 months imprisonment with 12 months supervised release to follow is sufficient, but not greater than necessary.

IT IS HEREBY ORDERED that Judge Johnston's Findings and Recommendations (Doc. 64) is **ADOPTED IN PART**.

IT IS FURTHER ORDERED that Defendant Kaine William Hanson shall be sentenced to **4 months imprisonment with 12 months of supervised release to follow**.

The special conditions previously imposed shall be continued.

The following conditions also shall be imposed:

The defendant shall serve the first 60 days of supervised release at Connections Corrections in Butte, Montana, or until successful completion of the program. The defendant shall abide by all rules and regulations of the center and complete successfully any programming as deemed appropriate by the United States Probation Office.

Upon completion of Connections Corrections, the defendant shall reside in a Residential Reentry Center (RRC) under contract to the United States Bureau of Prisons, in the pre-release component, for a period of 6 months. The defendant shall abide by all rules and regulations of the center and complete successfully any programming as deemed appropriate by the United States Probation Office.

DATED this 20th day of April, 2016.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable. The signature is positioned above a horizontal line.

Brian Morris
United States District Court Judge